

STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY

DIVISION OF PURCHASE AND PROPERTY
CONTRACT COMPLIANCE AND AUDIT UNIT

EEO

MONITORING PROGRAM

Vendor/Contractor

Guidelines for
Awarded Public Contracts



Pursuant to N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.
Website: http://www.state.nj.us/treasury/contract_compliance
Telephone: (609) 292-5473
Fax: (609) 292-1102
June, 2017



Assistance With Using This Summary:

If you wish to receive clarification concerning any item contained in this summary relating to EEO/AA legal requirements for **goods, general services and professional services contracts**, please contact:

NJ Department of the Treasury
Division of Purchase and Property
Contract Compliance and Audit Unit
EEO Monitoring Program
PO Box 206
Trenton, NJ 08625-0206
(609) 292-5473
Fax (609) 292-1102

For clarification concerning any item contained in this summary relating to EEO/AA legal requirements for **construction contracts**, please contact:

NJ Department of Labor & Workforce Development
Construction EEO Monitoring Program
PO Box 209
Trenton, New Jersey 08625-0209
(609) 292-9550
Fax (609) 984-4023

Vendor/Contractor Guidelines for Awarded Public Contracts

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Affirmative Action Evidence Requirements for Goods, General Services and Professional Services Contracts

After Notice of Award, but prior to signing of a contract, all successful bidders for goods, general services, and professional services contracts must submit to the public agency awarding the contract, one of the following documents, as evidence of appropriate affirmative action compliance:

1. A current federally approved or sanctioned Affirmative Action Program
or
2. A Certificate of Employee Information Report
or
3. A completed Employee Information Report (Form AA-302). This form will be made available to vendors by the Public Agency awarding the contract. **It must be submitted to both the Public Agency awarding the contract and Treasury's Division of Purchase & Property EEO Monitoring Unit.** A contractor's bid will be rejected as non-responsive if the successful vendor fails to submit any of these requirements within the time specified.

Diane B. Allen Equal Pay Act

Please be advised that in accordance with P.L. 2018, c. 9, also known as the Diane B. Allen Equal Pay Act, which was signed into law by Governor Phil Murphy on April 24, 2018, a contractor performing “qualifying services”, or “public work” to the State, or any agency or instrumentality of the State, shall provide the Commissioner of Labor and Workforce Development a report regarding the compensation and hours worked by employees categorized by gender, race ethnicity and job category. For more information and report templates, see <https://nj.gov/labor/equalpay/equalpay.html>.

Mandatory Contract Language

Goods, General Services and Professional Services Vendors must sign a contract containing the Mandatory Language of Exhibit “A”. If the vendor refuses to sign a contract containing the Mandatory EEO/AA Contract Language at the time the contract is submitted for signing by the Public Agency, the Public Agency shall reject the vendor's bid as non-responsive. When such a rejection occurs, the same EEO/AA requirements shall apply to any other successful vendors selected by the Public Agency in accordance with contracting laws and procedures.

Establishment of Targeted Goals

The State shall establish the targeted minority and women employment goals for the determination of good faith equal employment opportunity efforts by vendors. The establishment of any targeted employment goal will be determined by utilizing data provided by the New Jersey Department of Labor and Workforce Development, Division of Research and Planning, and the U.S. Census Bureau, identifying the actual availability status of qualified minorities and women within the vendor's particular labor force and market, by county/counties, in which the vendor's primary facility or facilities are located.

It should be noted that these are targeted goals and not quotas which must be strictly satisfied. If the vendor has documented its efforts to afford equal employment opportunities to minority and women workers, consistent with good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, the vendor will not be penalized if the vendor's workforce falls short of the targeted goals. All goals are available upon request, or on the State website located at:

www.state.nj.us/treasury/contract_compliance/

Standards for Good Faith Effort Compliance

Through on-site visits, periodic reviews, and information submitted by the vendor, the Division of Purchase & Property EEO Monitoring Program will evaluate the performance of the vendor to determine whether the vendor is acting in good faith to comply with the EEO/AA regulations. The Division shall consider the following factors in determining whether a vendor has acted in good faith:

- ❖ Whether the contractor or subcontractor has agreed to make good faith efforts to adhere to targeted minority and female employment goals;
- ❖ Whether the contractor or subcontractor has met or documented that it has made a good faith effort to meet targeted employment goals;
- ❖ Whether the contractor or subcontractor has adopted an EEO Policy;
- ❖ Whether the contractor or subcontractor has posted an EEO Policy on its job site bulletin board;
- ❖ Whether the contractor or subcontractor has disseminated the EEO Policy to its workers through various means, including: company meetings, preconstruction job meetings, written notices, etc.;
- ❖ Whether the contractor or subcontractor has posted Federal or State issued EEO posters on its job site bulletin board;
- ❖ Whether the contractor or subcontractor has identified an EEO Officer and established job duties, in writing, for such position;
- ❖ Whether the contractor or subcontractor has developed a basic complaint procedure;
- ❖ Whether the contractor or subcontractor has knowledge of, and has considered, the general availability of minorities and women having requisite skills in the immediate labor area;

Standards for Good Faith Effort Compliance

- ❖ Whether the contractor or subcontractor has knowledge of, and has considered, the percentage of minorities and women in the total workforce in the immediate labor area;
- ❖ Whether, when the opportunity has presented itself, the contractor or subcontractor has considered promoting minority and women employees within its organization;
- ❖ Whether the contractor or subcontractor attempted to hire minorities and women based upon the anticipated expansion, contraction, or turnover of its workforce;
- ❖ Whether the contractor or subcontractor has the ability to consider undertaking training as a means of making all job classifications available to minorities and women, and whether it has done so;
- ❖ Whether the contractor or subcontractor has utilized the available recruitment resources to attract minorities and women with requisite skills, including but not limited to: public and private training institutions, job placement services, referral agencies, newspapers, trade papers, faith-based organizations, and community-based organizations;
- ❖ Whether the contractor or subcontractor has requested qualified minorities and women from a labor union with whom it has an exclusive hiring or referral arrangement;
- ❖ Whether the contractor or subcontractor has actively recruited beyond the traditional sources to attract minority and women applicants;
- ❖ Whether the contractor or subcontractor has reviewed all personnel actions to ensure actions are taken in compliance with the company's EEO policy; and
- ❖ Whether the contractor or subcontractor has retained records of employment, personnel actions, and payroll records, for a three-year period from the date of the contract or project closing.

Procedures for the Issuance, Renewal, and Duplication of a Certificate of Employee Information Report for Vendors

- ❖ The successful vendor shall complete an Initial Employee Information Report Form, (Form AA-302) and submit with a \$150.00 fee payable to the Treasurer, State of New Jersey, to the Division of Purchase and Property, EEO Monitoring Program, and forward a copy to the Public Agency awarding the contract. Upon submission and review by the Division, this report shall constitute evidence of compliance with the regulations;
- ❖ The Division shall approve or reject an Employee Information Report within 40 business days of its submission, provided, however, that such a rejection, if it is independent of a noncompliance determination, shall in no way affect the validity of a contract for which said employee information report was presented. Upon approval of an Employee Information Report, the Division shall issue to the vendor a Certificate of Employee Information Report which shall be valid for the time period indicated on the certificate; and
- ❖ A vendor may submit an application for renewal of their Certificate of Employee Information Report, with a fee in the amount of \$150.00 payable to the Treasurer, State of New Jersey, to the Division of Purchase and Property, EEO Monitoring Program, as early as ninety (90) business days prior to the expiration of a certificate. The renewal package, consisting of the AA-302 renewal report, AA-302 forms, (for each New Jersey facility that engages in bidding on public contracts; and shares the same Federal Employee Identification Number and company name), and vendor employee activity summary report, must be submitted on the forms made available to the vendor by the Division.
- ❖ The vendor agrees to provide documentation that it has made good faith efforts to meet equal employment opportunity requirements whenever the Division or public agency, upon its own initiative or upon the complaint of any member of the public, determines that such information is needed to determine whether the contractor or subcontractor has failed to comply with the applicable equal employment opportunity requirements.
- ❖ There shall be a \$75.00 non-refundable fee for a duplicate or replacement Certificate of Employee Information Report. The Vendor must complete and submit the Duplicate Certificate of Employee Information Report request that is located at the website below:

www.state.nj.us/treasury/contract_compliance

Sample Letter of Federally Approved Affirmative Action Plan

U.S. Department of Labor

Employment Standards Administration
Office of Federal Control Compliance Programs
Newark Area Office
124 Evergreen Place, Fourth Floor
East Orange, NJ 07108



<Date>

Dear

Our recent compliance review of your establishment's equal employment opportunity policies and practices was completed on <date>.

We found no apparent deficiencies or violations of Executive Order 11266, as amended, Section 503 of the Rehabilitation Act of 1973 or 38 USC 2012 (the Vietnam Era Veterans Readjustment Assistance Act). Accordingly, your establishment is deemed to be in compliance with these laws based on the material reviewed.

The Office of Federal Contract Compliance Programs sincerely appreciates the cooperation and courtesies extended by you and your staff during the conduct of the compliance review.

Sincerely,

Area Office Director

Sample Certificate of Employee Information Report


Certification 111XX

CERTIFICATE OF EMPLOYEE INFORMATION REPORT

INITIAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-DEC-20XX to 15-DEC-20XX

SAMPLE COMPANY, INC.
33 WEST STATE STREET
TRENTON, NJ 08625


State Treasurer

VOID

Sample Employee Information Report Form AA-302

FORM AA-302

Rev. 11/11

STATE OF NEW JERSEY

Division of Purchase & Property

Contract Compliance Audit Unit

EEO Monitoring Program

EMPLOYEE INFORMATION REPORT

IMPORTANT-READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING FORM. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED \$150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11. For Instructions on completing the form, go to: http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf

SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY	2. TYPE OF BUSINESS <input type="checkbox"/> 1. MFG <input type="checkbox"/> 2. SERVICE <input type="checkbox"/> 3. WHOLESALE <input type="checkbox"/> 4. RETAIL <input type="checkbox"/> 5. OTHER	3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY
4. COMPANY NAME		
5. STREET	CITY	COUNTY STATE ZIP CODE
6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)		CITY STATE ZIP CODE
7. CHECK ONE: IS THE COMPANY: <input type="checkbox"/> SINGLE-ESTABLISHMENT EMPLOYER <input type="checkbox"/> MULTI-ESTABLISHMENT EMPLOYER		
8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ		
9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT		
10. PUBLIC AGENCY AWARDED CONTRACT		
CITY COUNTY STATE ZIP CODE		

Official Use Only	DATE RECEIVED	IN AUG. DATE	ASSIGNED CERTIFICATION NUMBER
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SECTION B - EMPLOYMENT DATA

11. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/non-minority categories, in columns 1, 2, & 3. **DO NOT SUBMIT AN EEO-1 REPORT.**

JOB CATEGORIES	ALL EMPLOYEES			PERMANENT MINORITY/NON-MINORITY EMPLOYEE BREAKDOWN									
	COL. 1 TOTAL (Cols. 2 & 3)	COL. 2 MALE	COL. 3 FEMALE	***** MALE *****					***** FEMALE *****				
				BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.
Officials/Managers													
Professionals													
Technicians													
Sales Workers													
Office & Clerical													
Craftworkers (Skilled)													
Operatives (Semi-skilled)													
Laborers (Unskilled)													
Service Workers													
TOTAL													
Total employment From previous Report (if any)													
Temporary & Part-Time Employees													

The data below shall NOT be included in the figures for the appropriate categories above.

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? <input type="checkbox"/> 1. Visual Survey <input type="checkbox"/> 2. Employment Record <input type="checkbox"/> 3. Other (Specify)	14. IS THIS THE FIRST Employee Information Report Submitted? 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/>	15. IF NO, DATE LAST REPORT SUBMITTED MO. DAY YEAR
13. DATES OF PAYROLL PERIOD USED From: To:		

SECTION C - SIGNATURE AND IDENTIFICATION

16. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO DAY YEAR
17. ADDRESS NO. & STREET	CITY	COUNTY	STATE ZIP CODE PHONE (AREA CODE, NO., EXTENSION)

Sample Employee Information Report

Form AA-302 Instructions

INSTRUCTIONS FOR COMPLETING THE EMPLOYEE INFORMATION REPORT (FORM AA-302)

IMPORTANT: READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM. PRINT OR TYPE ALL INFORMATION. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM **AND TO SUBMIT THE REQUIRED \$150.00 NON-REFUNDABLE FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. IF YOU HAVE A CURRENT CERTIFICATE OF EMPLOYEE INFORMATION REPORT, DO NOT COMPLETE THIS FORM UNLESS YOU ARE RENEWING A CERTIFICATE THAT IS DUE FOR EXPIRATION. DO NOT COMPLETE THIS FORM FOR CONSTRUCTION CONTRACT AWARDS.**

ITEM 1 - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.

ITEM 2 - Check the box appropriate to your TYPE OF BUSINESS. If you are engaged in more than one type of business check the predominant one. If you are a manufacturer deriving more than 50% of your receipts from your own retail outlets, check "Retail".

ITEM 3 - Enter the total "number" of employees in the entire company, including part-time employees. This number shall include all facilities in the entire firm or corporation.

ITEM 4 - Enter the name by which the company is identified. If there is more than one company name, enter the predominant one.

ITEM 5 - Enter the physical location of the company. Include City, County, State and Zip Code.

ITEM 6 - Enter the name of any parent or affiliated company including the City, County, State and Zip Code. If there is none, so indicate by entering "None" or N/A.

ITEM 7 - Check the box appropriate to your type of company establishment. "Single-establishment Employer" shall include an employer whose business is conducted at only one physical location. "Multi-establishment Employer" shall include an employer whose business is conducted at more than one location.

ITEM 8 - If "Multi-establishment" was entered in item 8, enter the number of establishments within the State of New Jersey.

ITEM 9 - Enter the total number of employees at the establishment being awarded the contract.

ITEM 10 - Enter the name of the Public Agency awarding the contract. Include City, County, State and Zip Code. This is not applicable if you are renewing a current Certificate.

ITEM 11 - Enter the appropriate figures on all lines and in all columns. THIS SHALL ONLY INCLUDE EMPLOYMENT DATA FROM THE FACILITY THAT IS BEING AWARDED THE CONTRACT. DO NOT list the same employee in more than one job category. **DO NOT attach an EEO-1 Report.**

Racial/Ethnic Groups will be defined:

Black: Not of Hispanic origin. Persons having origin in any of the Black racial groups of Africa.

Hispanic: Persons of Mexican, Puerto Rican, Cuban, or Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native: Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander: Persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands and Samoa.

Non-Minority: Any Persons not identified in any of the aforementioned Racial/Ethnic Groups.

ITEM 12 - Check the appropriate box. If the race or ethnic group information was not obtained by 1 or 2, specify by what other means this was done in 3.

ITEM 13 - Enter the dates of the payroll period used to prepare the employment data presented in Item 12.

ITEM 14 - If this is the first time an Employee Information Report has been submitted for this company, check block "Yes".

ITEM 15 - If the answer to Item 14 is "No", enter the date when the last Employee Information Report was submitted by this company.

ITEM 16 - Print or type the name of the person completing the form. Include the signature, title and date.

ITEM 17 - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

TYPE OR PRINT IN SHARP BALL POINT PEN

THE VENDOR IS TO COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND RETAIN A COPY FOR THE VENDOR'S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY AWARDED THE CONTRACT IF THIS IS YOUR FIRST REPORT; AND FORWARD ONE COPY **WITH A CHECK IN THE AMOUNT OF \$150.00 PAYABLE TO THE TREASURER, STATE OF NEW JERSEY(FEE IS NON-REFUNDABLE)** TO:

NJ Department of the Treasury
Division of Purchase & Property
Contract Compliance and Audit Unit
EEO Monitoring Program
P.O. Box 206

Trenton, New Jersey 08625-0206

Telephone No. (609) 292-5473

Sample Duplicate Certificate of Employee Information Report Request

Form Duplicate Cert.
Rev. 11/11

PrintForm



STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
Division of Purchase & Property, Contract Compliance & Audit Unit
EEO Monitoring Program

DUPLICATE CERTIFICATE OF EMPLOYEE INFORMATION REPORT REQUEST

IMPORTANT- FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND SUBMIT THE REQUIRED \$75.00 FEE (Non-Refundable) MAY DELAY ISSUANCE OF YOUR DUPLICATE CERTIFICATE OF EMPLOYEE INFORMATION REPORT.

SECTION A - COMPANY IDENTIFICATION

1. FID. NO. OR SOCIAL SECURITY	2. ASSIGNED CERTIFICATION NUMBER	ISSUE DATE	EXPIRATION DATE

3. COMPANY NAME

4. STREET CITY COUNTY STATE ZIP CODE

5. REASON FOR REQUEST OF DUPLICATE CERTIFICATE

☐ 1. Lost Certificate ☐ 2. Damaged ☐ 3. Other (Specify)

SECTION B - SIGNATURE AND IDENTIFICATION

6. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO DAY YEAR
7. ADDRESS NO. & STREET	CITY	COUNTY	STATE
		ZIP CODE	PHONE (AREA CODE, NO., EXTENSION)

I certify that the information on this Form is true and correct.

SECTION C - OFFICIAL USE ONLY

RECEIVED DATE:	DIVISION OF REVENUE DLN # :
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INSTRUCTIONS FOR COMPLETING DUPLICATE CERTIFICATE REQUEST

ITEM 1 - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.

ITEM 2 - Enter the Certificate Number that was assigned to your company along with the Issue Date and Expiration Date (if available).

ITEM 3 - Enter the name by which the company is identified.

ITEM 4 - Enter the physical location of the company. Include City, County, State and Zip Code.

ITEM 5 - Enter the reason for requesting a Duplicate Certificate of Employee Information Report.

ITEM 6 - Print or type the name of the person completing the form. Include the signature, title and date.

ITEM 7 - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

RETAIN A COPY OF THIS REQUEST FOR THE VENDOR'S OWN FILES AND FORWARD ONE COPY WITH A CHECK IN THE AMOUNT OF \$75.00 (Non-Refundable Fee) PAYABLE TO "THE TREASURER, STATE OF NEW JERSEY" TO:

NJ Department of the Treasury
Division of Purchase & Property
Contract Compliance & Audit
Unit EEO Monitoring Program
PO Box 206

Trenton, New Jersey 08625-0206

Telephone No. (609) 292-5473

PLEASE ALLOW 15 BUSINESS DAYS FOR PROCESSING THE DUPLICATE CERTIFICATE

(REVISED 4/10)

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) and N.J.A.C. 17:27 et seq.

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

EXHIBIT A (continued)

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

The contractor or subcontractor agrees to inform, in writing, its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award, but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval;

Certificate of Employee Information Report; and

Employee Information Report Form AA-302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program, as may be requested by the office from time to time, in order to carry out the purposes of these regulations,. Public agencies shall furnish such information, as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program, for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27**.

General Requirements for Construction Contractors and Subcontractors Awarded Contracts under N.J.S.A. 10:5-31 et seq. (N.J.A.C. 17:27)

EEO/AA Evidence

All successful construction contractors must after notification of award, but prior to signing a construction contract, submit their Initial Project Workforce Report to the Public Agency and a copy to the Department of Labor & Workforce Development, Construction EEO Compliance Monitoring Program. The Initial Project Workforce Report will be made available to the construction contractor by the Public Agency awarding the contract or the Contractor may download the form at the following website address www.state.nj.us/treasury/contract_compliance.

A contractor's bid must be rejected as non-responsive if the successful contractor fails to submit the Initial Project Workforce Report within the time specified.

Mandatory Contract Language

A Construction contractor must sign a contract containing the Mandatory Language of Exhibit "B". If a construction contractor refuses to sign a contract containing the Mandatory EEO/AA Contract Language at the time the contract is submitted for signing by the Public Agency shall, reject the contractor's bid as non-responsive. When such a rejection occurs, the same EEO/AA requirements shall apply to any other successful contractor selected by the Public Agency in accordance with contracting laws and procedures.

Establishment of Targeted Goals for Construction Contractors and Subcontractors

The State shall establish the targeted minority and women employment goals for the determination of good faith equal employment opportunity efforts by Construction Contractors and subcontractors. The establishment of any targeted employment goal will be determined by utilizing data provided by the New Jersey Department of Labor and Workforce Development, Division of Research and Planning, and the U.S. Census Bureau, identifying the actual availability status of qualified minorities and women within the contractor's particular labor force and market by county\counties in which the contractor's primary facility or facilities are located.

It should be noted that these are targeted goals and not quotas which must be strictly satisfied. If the contractor has documented its efforts to afford equal employment opportunities to minority and women workers consistent with good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-7.2, the contractor will not be penalized if the contractors workforce falls short of the targeted goals. All goals are available upon request or on the State website located at www.state.nj.us/treasury/contract_compliance.

The contractor or subcontractor agrees to provide documentation that it has made good faith efforts to meet equal employment opportunity requirements whenever the Dept. of Labor & Workforce Development Construction EEO Compliance Monitoring Program or public agency, upon its own initiative or upon the complaint of any member of the public, determines that such information is needed to determine whether the contractor or subcontractor has failed to comply with the applicable equal employment opportunity requirements.

Standards for Good Faith Compliance For Construction Contractors & Subcontractors

The Department of Labor & Workforce Development Construction EEO Compliance Monitoring Program shall consider the following factors in its determination of whether a contractor or subcontractor has acted in good faith:

1. Whether the contractor or subcontractor has agreed to make a good faith effort to adhere to minority and female targeted employment goals;
2. Whether the contractor or subcontractor has met or documented that it has made a good faith effort to meet targeted employment goals;
3. Whether the contractor or subcontractor has adopted an EEO Policy;
4. Whether the contractor or subcontractor has posted an EEO Policy on the job site bulletin board;
5. Whether the contractor or subcontractor has disseminated the EEO Policy to its workers through various means including company meetings, preconstruction job meetings, written notices, etc.;
6. Whether the contractor or subcontractor has posted Federal or State issued EEO posters on the job site bulletin board;
7. Whether the contractor or subcontractor has identified an EEO Officer and established job duties in writing for such position;
8. Whether the contractor or subcontractor has developed a basic complaint procedure;
9. Whether the contractor or subcontractor has knowledge of and has considered the general availability of minorities and women having requisite skills in the immediate labor area;

**Standards for Good Faith Compliance
for
Construction Contractors & Subcontractors *(continued)***

10. Whether the contractor or subcontractor has knowledge of and has considered the percentage of minorities and women in the total workforce in the immediate labor area;
11. Whether, when the opportunity has presented itself, the contractor or subcontractor has considered promoting minority and women employees within its organization;
12. Whether the contractor or subcontractor attempted to hire minorities and women based upon the anticipated expansion, contraction, and turnover of its workforce;
13. Whether the contractor or subcontractor has the ability to consider undertaking training as a means of making all job classifications available to minorities and women and whether it has done so;
14. Whether the contractor or subcontractor has utilized the available recruitment resources to attract minorities and women with requisite skills, including but not limited to public and private training institutions, job placement services, referral agencies, newspapers, trade papers, faith-based organizations, and community-based organizations;
15. Whether the contractor or subcontractor has requested qualified minorities and women from a labor union with whom it has an exclusive hiring or referral arrangement;
16. Whether the contractor or subcontractor has actively recruited beyond the traditional sources to attract minority and female applicants;
17. Whether the contractor or subcontractor has reviewed all personnel actions to ensure actions are taken in compliance with the company's EEO policy; and
18. Whether the contractor or subcontractor has retained records of employment and personnel actions and payroll records for a three year period from the date of the contract or project closing.

Sample Initial Project Workforce Report Form AA-201

All successful construction contractors must after notification of award, but prior to signing a construction contract, submit their Initial Project Workforce Report Form AA-201 to the Public Agency and the State .

<p>FORM AA-201 Revised 11/11</p>	<p>STATE OF NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT CONSTRUCTION EEO COMPLIANCE MONITORING PROGRAM</p> <p>INITIAL PROJECT WORKFORCE REPORT CONSTRUCTION</p>	<p style="text-align: center;">Official Use Only</p> <p>Assignment _____</p> <p>Code _____</p>
<p>For instructions on completing the form, go to: http://www.state.nj.us/treasury/contract_compliance/pdf/aa201ins.pdf</p>		
1. FID NUMBER	2. CONTRACTOR ID NUMBER	5. NAME AND ADDRESS OF PUBLIC AGENCY AWARDED CONTRACT
3. NAME AND ADDRESS OF PRIME CONTRACTOR		Name: _____
(Name)		Address: _____
(Street Address)		CONTRACT NUMBER DATE OF AWARD DOLLAR AMOUNT OF AWARD
(City) (State) (Zip Code)		6. NAME AND ADDRESS OF PROJECT
4. IS THIS COMPANY MINORITY OWNED [] OR WOMAN OWNED []		Name: _____
COUNTY		Address: _____
7. PROJECT NUMBER		8. IS THIS PROJECT COVERED BY A PROJECT LABOR AGREEMENT (PLA)? YES <input type="checkbox"/> NO <input type="checkbox"/>
9. TRADE OR CRAFT	PROJECTED TOTAL EMPLOYEES	PROJECTED MINORITY EMPLOYEES
	MALE FEMALE	MALE FEMALE
	J AP J AP	J AP J AP
1. ASBESTOS WORKER		
2. BRICKLAYER OR MASON		
3. CARPENTER		
4. ELECTRICIAN		
5. GLAZIER		
6. HVAC MECHANIC		
7. IRONWORKER		
8. OPERATING ENGINEER		
9. PAINTER		
10. PLUMBER		
11. ROOFER		
12. SHEET METAL WORKER		
13. SPRINKLER FITTER		
14. STEAMFITTER		
15. SURVEYOR		
16. TILER		
17. TRUCK DRIVER		
18. LABORER		
19. OTHER		
20. OTHER		
<p>I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.</p> <p style="text-align: right;">_____ (Signature)</p>		
10. (Please Print Your Name)		(Title)
(Area Code)	(Telephone Number)	(Ext.)
		(Date)

Sample Initial Project Workforce Report Form AA-201

Instructions

INSTRUCTIONS FOR COMPLETING THE INITIAL PROJECT WORKFORCE REPORT—CONSTRUCTION (AA-201)

DO NOT COMPLETE THIS FORM FOR GOODS AND/OR SERVICE CONTRACTS

1. Enter the Federal Identification Number assigned to the contractor by the Internal Revenue Service. If a Federal Employer Identification Number has been applied for, but not yet issued, or if your business is such that you have not, or will not, receive a Federal Identification Number, enter the Social Security number assigned to the single owner, or one partner, in the case of a partnership;
2. Note: The Department of Labor & Workforce Development, Construction EEO Monitoring Program will assign a contractor ID number to your company. This number will be your permanently assigned contractor ID number that must be on all correspondence and reports submitted to this office;
3. Enter the prime contractor's name, address and zip code number;
4. Check box if Company is Minority Owned or Woman Owned;
5. Enter the complete name and address of the Public Agency awarding the contract. Include the contract number, date of award and dollar amount of the contract;
6. Enter the name and address of the project, including the county in which the project is located;
7. Note: A project contract ID number will be assigned to your firm upon receipt of the completed Initial Project Workforce Report (AA-201) for this contract. This number must be indicated on all correspondence and reports submitted to this office relating to this contract;
8. Check "Yes" or "No" to indicate whether a Project Labor Agreement (PLA) was established with the labor organization(s) for this project;
9. Under the Projected Total Number of Employees in each trade, or craft, and at each level of classification, enter the total composite workforce of the prime contractor and all subcontractors projected to work on the project. Under Projected Employees, enter total minority and female employees of the prime contractor and all subcontractors projected to work on the project. Minority employees include Black, Hispanic, American Indian and Asian (J=Journeyworker, AP=Apprentice). Include projected phase-in and completion dates; and
10. Print or type the name of the company official, or authorized Equal Employment Opportunity (EEO) official and include signature, title, phone number and date the report is submitted.

This report must be submitted to the Public Agency that awards the contract and the Department of Labor & Workforce Development, Construction EEO Compliance Monitoring Program after notification of award, but prior to signing the contract.

THE CONTRACTOR IS TO RETAIN A COPY AND SUBMIT COPY TO THE PUBLIC AGENCY
AWARDING THE CONTRACT AND FORWARD A COPY TO:

NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT CONSTRUCTION EEO
COMPLIANCE MONITORING UNIT

P.O. BOX 209
TRENTON, NJ 08625-0209

(REVISED 4/10)

EXHIBIT B
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27
CONSTRUCTION CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, up grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer, pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Dept. of LWD, Construction EEO Monitoring Program may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B and C, as long as the Dept. of LWD, Construction EEO Monitoring Program is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Dept. of LWD, Construction EEO Monitoring Program, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2. The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

EXHIBIT B
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) , N.J.A.C. 17:27
CONSTRUCTION CONTRACTS *(continued)*

(A) If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities minority and women workers directly, consistent with this chapter. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the hiring or scheduling procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(B) If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

- (1) To notify the public agency compliance officer, the Dept. of LWD, Construction EEO Monitoring Program, and minority and women referral organizations listed by the Dept. of LWD, Construction EEO Monitoring Program pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;
- (2) To notify any minority and women workers who have been listed with it as awaiting available vacancies;
- (3) Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
- (4) To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;
- (5) If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;
- (6) To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

EXHIBIT B
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) , N.J.A.C. 17:27
CONSTRUCTION CONTRACTS *(continued)*

- (i) The contractor or subcontractor shall interview the referred minority or women worker.
- (ii) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Dept. of LWD, Construction EEO Monitoring Program. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.
- (iii) The name of any interested women or minority individual shall be maintained on a waiting list, and shall be considered for employment as described in (i) above, whenever vacancies occur. At the request of the Dept. of LWD, Construction EEO Monitoring Program, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.
- (iv) If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Dept. of LWD, Construction EEO Monitoring Program.
- (7) To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Dept. of LWD, Construction EEO Monitoring Program and submitted promptly to the Dept. of LWD, Construction EEO Monitoring Program upon request.
- (C) The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that, in implementing the procedures of (B) above, it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

EXHIBIT B
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) , N.J.A.C. 17:27
CONSTRUCTION CONTRACTS *(continued)*

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Dept. of LWD, Construction EEO Monitoring Program an initial project workforce report (Form AA-201) electronically provided to the public agency by the Dept. of LWD, Construction EEO Monitoring Program, through its website, for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Dept. of LWD, Construction EEO Monitoring Program and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the-job programs for outreach and training of minorities and women.

(D) The contractor and its subcontractors shall furnish such reports or other documents to the Dept. of LWD, Construction EEO Monitoring Program as may be requested by the Dept. of LWD, Construction EEO Monitoring Program from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Dept. of LWD, Construction EEO Monitoring Program for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

State Of New Jersey
Department of Labor & Workforce Development
Construction EEO Compliance Monitoring Program

FORM AA-202
REVISED 11/11

MONTHLY PROJECT WORKFORCE REPORT - CONSTRUCTION

For instructions on completing the form, go to:

http://www.state.nj.us/treasury/contract_compliance/pdf/aa202ins.pdf

1. Name and address of Prime Contractor

2. Contractor ID Number

4. Reporting Period

NAME)

5. Public Agency Awarding Contract

Date of Award

ADDRESS)

6. Name and Location of Project

7. Project ID Number

(CITY)

(STATE)

(ZIP CODE)

[illegible]

17. COMPLETED BY (PRINT OR TYPE)

(NAME)

SIGNATURE)

(TITLE)

AREA CODE)

(TELEPHONE NUMBER)

EXT.)

(DATE)

DEPT. OF LABOR & WORKFORCE DEVELOPMENT CONSTRUCTION EEO COMPLIANCE MONITORING PROGRAM

Sample Monthly Project Workforce Report Form AA-202

Instructions

INSTRUCTIONS FOR COMPLETING MONTHLY PROJECT WORKFORCE REPORT - (AA-202)

1. Enter the prime contractor's name, address and zip code number.
2. Enter the **CONTRACTOR ID NUMBER** assigned by the Dept. of Labor & Workforce Development Construction EEO Compliance Monitoring Program.
3. Enter the Federal Identification Number assigned to the contractor by the Internal Revenue Service, or if a Federal Employer Identification Number has not been applied for or issued, or if your business is such that it will not receive a Federal Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.
4. Reporting Period - enter the beginning and ending dates of the month for the report being submitted. (i.e., 1/1/00 – 1/31/00).
5. Enter the complete name of the public agency awarding the contract. Include the date of contract award.
6. Enter the name and location of the project, including the county in which the project is located.
7. Enter the **PROJECT NUMBER** assigned by the Dept. of Labor & Workforce Development Construction EEO Compliance Monitoring Program.
8. Enter the company name(s) of the contractor(s) performing work at the construction site. List the prime contractor first with subcontractor(s) following.
9. Enter the total percent (%) of project work the contractor or subcontractor has completed, to date.
10. Identify the trades or crafts applicable to the prime contractor and each subcontractor listed in column #8. Use a single line for each trade or craft.
11. Enter the total number of employees for each contractor at each level of classification (J=Journeyworker, AP=Apprentice) and the total number of each minority group - Black, Hispanic, American Indian, Asian and Female. Note: Column A shall include Total Number of employees. Columns B-E shall also include minority females. Column F shall include both non-minority and minority females.
12. Enter the total number of minority employees for each employer at each level of classification. Note: This shall be the sum of columns B-E.
13. Enter the Total Monthly work hours for all employees in each craft at each level of classification.
(A) Enter the Total Monthly minority work hours for each craft at each level of classification (Columns B-E).
(B) Enter the Total Monthly female work hours for each craft at each level of classification (Column F).
14. (A) Enter the Total Monthly PERCENT of minority work hours for each craft at each level of classification.
(B) Enter the Total Monthly PERCENT of female work hours for each craft at each level of classification.
15. Enter the Total Cumulative work hours for each craft at each level of classification.
(A) Enter the Total Cumulative minority work hours for each craft at each level of classification.
(B) Enter the Total Cumulative female work hours for each craft at each level of classification.
16. (A) Enter the Cumulative Percent of minority work hours for each craft at each level of classification.
(B) Enter the Cumulative Percent of female work hours for each craft at each level of classification.
17. Print or type the name of the company official submitting the report; include signature, title, telephone number, and date the report is submitted.

THE CONTACTOR SHOULD RETAIN ONE COPY AND SUBMIT A COPY TO THE PUBLIC AGENCY WHICH AWARDED THE CONTRACT. ANOTHER COPY MUST BE FORWARDED TO:

New Jersey Department of Labor & Workforce Development
Construction EEO Compliance Monitoring Program
PO Box 209
Trenton, NJ 08625-0209
609 292-9550

Sanctions and Penalties for Non-Compliance

Sanctions and Penalties may be imposed against Contractors, Vendors and Public Agencies for Non-Compliance with EEO/AA regulations. The following circumstances shall constitute some of the indications of a party's failure to meet the requirements of this Chapter or of an affirmative action plan, which may form the basis for a finding of a violation by the Division. These indicia are a representative sampling of indicia, but are not intended to constitute the only indicia that may be considered by the State in its determination as to whether a violation has occurred:

1. **For Construction Contractors**

- a. Failure to submit EEO/AA Form 201 (Initial Project Workforce Report);
- b. Failure to submit EEO/AA Form 202 (Monthly Project Workforce Report);
- c. Failure to submit documentation of good faith efforts to provide equal employment opportunity in the hiring of minorities and women in each trade, such as that noted at N.J.A.C. 17:27-7.4;
- d. Failure to provide additional requested information to determine compliance;
- e. Failure to respond to an Alert or Violation Notice; and
- f. Failure to attend an investigatory conference.

2. **For Goods, Services and Professional Services Vendors**

- a. Failure to submit EEO/AA Evidence (i.e., Form 302 Employee Information Report), Certificate of Employee Information Report, or current Letter of Federal Approval to public agency;
- b. Failure to submit EEO/AA Form 302 (Employee Information Report) to the Division for issuance of a Certificate of Employee Information Report;
- c. Failure to submit documentation of good faith efforts to provide equal employment opportunity in the hiring of minorities and women;
- d. Failure to submit Affirmative Action Plan; and
- e. Alteration or Forgery of Certificate of Employee Information Report.

Sanctions and Penalties for Non-Compliance

(continued)

When the State finds that a contractor, vendor or public agency has violated the Act or its implementing rules, the Treasurer is authorized to assess and collect fines in the amounts and time frames that follow:

First Violation – \$250.00 per day for each violation during which the violation continues;

Second Violation – not more than \$500.00 per day for each violation for each day during which the violation continues; and

Third and Subsequent Violations – not less than \$500.00 per day for each violation but not more than \$1,000.00 per day for each violation.

All fines and penalties shall be paid within 30 business days of the date of the final order. Failure to pay such penalties and fines shall result in a judgment being obtained in a court of competent jurisdiction. All fines shall be made payable to the Treasurer, State of New Jersey. All payments shall be made by certified check or money order, or payable in a form suitable to the Treasurer. In assessing a fine or penalty pursuant to this chapter, the State shall consider the following factors:

1. Size of vendor/contractor's business or population of public Agency;
2. Past history of compliance;
3. Frequency of violation for a third or subsequent violation;
4. Seriousness of violation;
5. Indication of good faith efforts to comply with equal employment opportunity requirements and/or affirmative action program;
6. Level of cooperation of entity in exchanging information regarding its efforts to correct deficiencies that resulted in violation; and
7. Indication of any intentional or misleading conduct.

Any other factors which the State deems to be appropriate in determining the penalty assessed with all such factors to be explicitly articulated by the Division or the Department in its assessment of such penalty.

No fine or penalty shall be levied unless the State provides the alleged violator with notification by certified mail which includes the amount of the penalty following the opportunity for an investigatory conference and the hearing process outlined in N.J.A.C. 17:27-10.8.

PUBLIC CONTRACT EEO/AA COMPLIANCE PROCEDURES FLOW CHART

EEO/AA Procedures In Awarding Public Contracts

Public Agency

❖ Include Mandatory Language in advertisements for receipt of bids, solicitations and/or request for proposals.

❖ Include appropriate - Mandatory Language in contracts and bid specifications.

❖ Obtain Required EEO/AA evidence from contractor or vendor.

Vendor

Goods, Professional Services, and General Service Contracts

Mandatory Language of Exhibit A

All successful vendors must submit one of the following forms of evidence:

1. Copy Letter of Federal Approval

Or

2. Certificate of Employee Information Report

Or

3. Complete Form AA-302 (Employee Information Report)

EEO/AA Evidence must be submitted after notification of award, but prior to signing of a goods and services contract

Construction Contracts

Mandatory Language of Exhibit B

Additional Mandatory Language EO 151 & P.L.2009, c.335 (State Agencies, Independent Authorities, Colleges & Universities Only)

Complete Form AA-201 (Initial Project Workforce Report)

Submit Form AA-202 (Monthly Project Workforce Report) once a month for the duration of the contract to the Dept. of Labor and to the Public Agency Compliance

EEO/AA Evidence must be submitted after notification of award, but prior to signing of a construction contract

Web-Enabled Renewal Forms for Goods, General Services, and Professional Services Vendors

All goods and services vendors now have two (2) options for filing the Division of Contract Compliance AA-302, Employee Information Report Renewal and Vendor Activity Summary Report forms. You may complete the forms manually and mail them to the Division of Purchase & Property EEO Monitoring Program, or you may input your employment data directly onto the AA-302 and Vendor Activity Summary Report located on our website. To access the Division's website follow the steps below:

- ❖ Type **www.state.nj.us/treasury/contract_compliance/**;
- ❖ Select the “Premier Business Services Online Forms Account Instructions” Link; and
- ❖ Please follow all the instructions to set up online access to the New Web Application.
- ❖ Once your Renewal Forms have been completed online, please mail your \$150.00 certificate fee, in the form of a check or money order, payable to: “Treasurer State of New Jersey” to the address below:

NJ Department of the Treasury
Division of Purchase and Property
Contract Compliance and Audit Unit
EEO Monitoring Program
PO Box 206
Trenton, NJ 08625-0206
Telephone (609) 292-5473
Fax (609) 292-1102

Web-Enabled Renewal Forms for Construction Contractors

For your convenience, all contractors now have two options in filing the Equal Employment Opportunity Compliance AA-202, Monthly Project Workforce Report form. As always, you may complete the forms manually and mail the form to the Dept. of Labor & Workforce Development Construction EEO Monitoring Program or you may input your employment data directly onto the AA-202 form located on our website, with a copy to the public agency. To access the Division's website, simply follow these steps:

1. Type www.state.nj.us/treasury/contract_compliance;
2. Select the "Premier Business Services Online Forms Account Instructions" link; and
3. Please follow all the instructions to set up online access to the New Web Application.

The New Web Application will provide access to current and past reports that can be printed and submitted to the Public Agency awarding the contract as required.

NJ Department of Labor & Workforce Development
Construction EEO Monitoring Program
PO Box 209
Trenton, New Jersey 08625-0209